

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/805,607	NAKANO ET AL.	
	Examiner Richard Chang	Art Unit 2663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 1/19/2005.
2.  The allowed claim(s) is/are 1-11.
3.  The drawings filed on 13 March 2001 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of
 Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to amendments and arguments***

1. Applicants' amendments and arguments, see amendment, filed on 1/19/2005, with respect to Claims 1-11 have been fully considered and are persuasive. The 35U.S.C.102 rejections have been withdrawn. None of the previously cited reference teaches the Claims 1-11.

### ***Allowable Subject Matter***

2. Claims 1-11 are allowed.

### ***Examiner's Statement of Reasons for Allowance***

3. The following is an examiner's statement of reasons for allowance:  
The prior art along or in combination fails to teach or make obvious the following limitations:

"storing information about necessity of generating the ICMP data frame for each attribute of the ICMP data frame corresponding to a type of the failure; determining the necessity of generating the ICMP data frame based on said stored information and a cause of the failure of the IP data frame, which cause is received when the failure is detected; generating the ICMP data frame if it is determined that generation of the ICMP data frame is necessary; and transmitting the ICMP data frame to the transmission source if the ICMP data frame is generated" as recited in the independent claims 1-3.

"an information database storing information about necessity of transmitting the ICMP data frame and a transmission rate of the ICMP data frame for each attribute of the ICMP data frame corresponding to a type of the failure; a processing unit generating the ICMP data frame when said node apparatus detects the failure; an information management unit determining the necessity of transmitting the ICMP data frame by referring to said information database; and a filtering unit filtering the ICMP data frame, based on the transmission rate if said information management unit determines that transmission of the ICMP data frame is necessary, wherein said node apparatus transmits the ICMP data frame to the transmission source if the ICMP data is filtered by said filtering unit"

as recited in the independent claim 5 and 7.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Chang whose telephone number is (571) 272-3129. The examiner can normally be reached on Monday - Friday from 8 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571) 272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

fwr  
rkc

Richard Chang  
Patent Examiner  
Art Unit 2663

  
RICKY Q. NGO  
SUPERVISORY PATENT EXAMINER